

Pine Tree Park Timeline and After-Action Review

	DATE	ACTION	NOTES
1.	8/15/95	Annexed - Pine Tree property was annexed to the City of Kent under the Meridian Annexation, effective January 1, 1996 (Ordinance 3241).	
2.	12/19/95	City Council adopts Land Use Plan Map and Zoning Districts Map designations of OS (Open Space) and R1-20 (Single Family Residential – 20,000 s.f. minimum lot size) respectively for the Pine Tree property.	Ordinance No. 3261 and 3262
3.	12/13/05	City Council votes “to surplus Pine Tree Park and authorize the Mayor to market the property in the manner determined to bring the best financial return....”	City Council meeting minutes
4.	2005 and 2007	Appraisals conducted on Pine Tree Park. No action toward selling the property taken. Recession hits in 2008.	Appraisal copies in Park Planning - Pine Tree Park File
5.	2010	The 2010 Park & Open Space Plan lists Pine Tree Park as a Neighborhood Park.	Available - Parks
6.	March/2010	Council member Ron Harmon requests list and information on undeveloped park properties . The compiled information was sent to full Council. Pine Tree Park was included on that list. Jeff Watling reminded Council members of the Deed Restriction and Covenant on Pine Tree Park.	Email and Spreadsheet
7.	2011-2012	Citizens Advisory Group – A group of citizens works with Parks staff to assess the park systems capital needs and prioritize projects. The redevelopment of Springwood Park is identified as a high priority project and becomes part of the Levy package they recommended to the City Council. The Roads/Parks Infrastructure Levy was placed on the Nov 2012 election, but did not pass.	Levy Informational Piece mailed to Kent residents shows the list of projects to be completed.

Pine Tree Park Timeline and After-Action Review

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8.	2012	<p>City Property Assessment – The City Council asks staff to evaluate and identify city properties that are candidates to be sold. The intention of this request by Council was to find revenue that could address the city's budget deficit.</p> <p>Through a series of Executive Sessions, a number of properties were identified, including Pine Tree Park. Parks staff informed the City Council that Pine Tree Park was purchased with Forward Thrust funds and that the subsequent Covenant would require proceeds to be used for park acquisition. Other properties were prioritized and pursued ahead of Pine Tree Park.</p>	Exec Session- no notes
9.	10/18/12	<p>Request to review deed restrictions - Email from Kim Komoto stating that Hope Gibson wanted David Galazin to review the deed restriction on Pine Tree Park in order to determine if the City could sell it, or if the City literally had to "trade" the property for another property.</p>	
10.	10/19/12	<p>Initial legal analysis - Email from David Galazin to Hope Gibson, giving initial analysis that language of Pine Tree Park deed somewhat ambiguous, but nevertheless would likely be a "red flag" to any potential purchaser; offered to research further if Parks wished to pursue an outright sale of Pine Tree Park.</p>	
11.	10/21/12	<p>No intent to "actively" market - Email from Hope Gibson to David Galazin, stating that Parks was "not actively seeking to market the property" at that point in time.</p>	

Pine Tree Park Timeline and After-Action Review

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12.	2013-2014	<p>State Department of Ecology amends WAC 197-11-800(5) to clarify a SEPA exemption regarding publicly-owned real property. New rules were effective May 10, 2014. The rules included the following change to the SEPA exemption criteria:</p> <p>The following real property transactions by an agency shall be exempt:</p> <p>(5)(b) The sale, transfer or exchange of any publicly owned real property, but only if the property is not subject to an <u>a specifically designated and authorized public use established by the public landowner and used by the public for that purpose.</u></p>	<p>Disputed/unclear whether a SEPA process was necessary for the Pine Tree Park sale. The change clarified the existing rule, but because the park is currently undeveloped (i.e., not subject to a specifically designated use established by the city), a question exists as to whether the rule applied, plus the SEPA process conducted as part of the 2015 comprehensive plan amendments addressed the sale as did the SEPA process conducted for the proposed subdivision.</p>
13.	1/19/13	<p>After verbal request from Hope Gibson to review Pine Tree Park matter further, email from Cheryl Rolcik-Wilcox to Steve Salyer at King County (at verbal request from David Galazin), containing copy of Pine Tree Park deed and asking Salyer to contact David Galazin after reviewing with County Parks personnel.</p>	
14.	1/29/13	<p>Telephone conversation between Steve Salyer, Manager, Real Estate Services, King County – Facilities Management Division regarding Pine Tree Park. Salyer stated that he had consulted with King County Parks and Recreation Division as well as Barbara Flemming, Deputy Prosecuting Attorney, Civil Division, King County. Salyer confirmed that City could sell Pine Tree Park, but subject to certain specific conditions. Salyer stated he would remain the liaison between the City and the County during the process.</p>	

Pine Tree Park Timeline and After-Action Review

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15.	2/5/13	Telephone conversation between Brian Levenhagen and David Galazin regarding possibility of selling four properties , including Pine Tree Park.	
16.	2/13/13	Email from David Galazin to Brian Levenhagen, summarizing telephone conversation of February 5, 2013. Kurt Hanson copied on email summary as well.	
17.	2/19/13	Meeting between David Galazin and Kurt Hanson to discuss sale options for Top of the Hill and Pine Tree Park.	
18.	2/19/13	Email from Brian Levenhagen to David Galazin, asking with whom at the County David had spoken regarding Pine Tree Park. Email reply naming only Steve Salyer. Email reply from Brian that Jeff Watling was planning to speak with someone at "King County Parks" on February 20, 2013 regarding Pine Tree Park.	
19.	2013 – Q1	City Property Assessment –Pine Tree Park was discussed in Executive Session. It was suggested by Jeff Watling that proceeds from Pine Tree Park could be used toward the purchase of the 17-acre Ruth property at Clark Lake. City Council gave consent to conduct an Appraisal on Pine Tree Park and begin negotiation with Ruth.	Exec Session – no notes
20.	March/2013	Jeff Watling Meets with Kevin Brown, King County Parks Director to discuss a variety of matters including the sale of Pine Tree Park with proceeds going toward the purchase of the Ruth Property. Kevin Brown commits to following up with KC Leadership and Attorneys Office.	March 8 email from Kevin Brown
21.	2013	Clark Lake Property - Negotiation meetings initiated with Bill Ruth by Jeff Watling. Several meetings conducted throughout the year.	
22.	9/8/13	Appraisal of Pine Tree Park completed by Kidder Mathews.	
23.	2014	Clark Lake Property – Meetings between Bill Ruth and Jeff Watling continue in efforts to come to mutually agreeable terms for both parties.	

Pine Tree Park Timeline and After-Action Review

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24.	8/8/14	The idea of "trading" Pine Tree Park as part of the Ruth property purchase was discussed with Bill Ruth. Mr. Ruth considered the idea and communicated he was not interested in that property.	August 8, 2014 email from Bill Ruth to Jeff Watling
25.	10/8/14	Email sent by Jeff Watling informing Bill Ruth that his property and Pine Tree Park would be discussed at the October 21 City Council meeting in Executive Session.	October 8, 2014 email to Bill Ruth
26.	7/24/14	Legal Advice - Series of emails involving David Galazin, Kurt Hanson and Jeff Watling. Email from David Galazin to Jeff Watling, indicating that Kurt Hanson had asked for legal review of a "listing agreement" related to Pine Tree Park. David reminded Jeff that the County had previously indicated a strict set of procedures, which David had documented in a memorandum, and asked if an appraisal of the "Clark Lake property to serve as a replacement" had been completed. Jeff acknowledged receipt of the memorandum, and stated further that he "had ongoing conversations with KC Parks Director Kevin Brown. He is supportive of the surplus/re-investment plan we have in mind and will be letting me know of the next steps we need to take."	Emails
27.	7/24/14	Update from Jeff Watling - Email from Jeff Watling to Kurt Hanson and Tom Brubaker: "I know we have an informal green light from KC Parks on the concept of surplus and proceeds going to Clark Lake Park assemblage. We still however need to go through the formal process. I will reach out to Kevin Brown, KC Parks Director, to find out what process he wants to take."	Emails

Pine Tree Park Timeline and After-Action Review

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28.	7/30/14	In response to July 24, 2014 emails, email sent from David Galazin to Barbara Flemming at King County, stating that Kent Parks had recently had a conversation with Katy Terry, King County Parks and Recreation Division Assistant Director, and that Terry's opinion was that it was up to the city of Kent to determine the appropriate process for complying with the deed restriction . Galazin noted that his last direct contact with the County had been with Steve Salyer, 18 months prior, and requested confirmation of Terry's stance regarding the Pine Tree Park deed.	Emails
29.	Sept/2014	Pine Tree Park Proceeds / Forward Thrust Covenant – Series of emails involving David Galazin, Hope Gibson, Jeff Watling, and Tom Brubaker. David reminded Hope of the process for sale of Pine Tree Park as outlined by recent conversation with Barbara Fleming. All parties copied on email. Response from Jeff that he was aware of the process; that the proceeds were to be used to acquire a 17-acre parcel adjacent to Clark Lake that was nearly double the value of Pine Tree Park; and that his conversations with County Parks staff indicated the County supported a “high degree of flexibility” with the process itself. Email response from David to Jeff, asking to keep him posted on his progress and advising Jeff to “document as much as you can as you proceed with your proposal.” All parties copied on email.	Sept 2 email to David Galazin
30.	10/21/2014	Executive Session at City Council meeting – Council briefed on Pine Tree Park surplus with proceeds going to Ruth property, including whether staff should conduct additional public outreach. Council members did not object to marketing/selling Pine Tree Park, using the same process as preceding surplus property sales from the 2012 list that did not have additional public outreach. This includes Kent Highlands, the Old Fire Station, Ramstead, the Resource Center and Top of the Hill.	Exec Session – no notes

Pine Tree Park Timeline and After-Action Review

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31.	10/30/14	Pine Tree Park Property listed - Exclusive Agency Sale Listing Agreement signed between Pendergraft & Associates and City.	
32.	10/30/14	Pine Tree Park property posted For Sale on Commercial Brokers Association listing service included asking price of \$2.2m.	
33.	12/2/14	Use of sale proceeds – Series of emails involving David Galazin, Jeff Watling, Hope Gibson and Tom Brubaker. David asked Jeff if the proceeds from the sale of Pine Tree Park would be sufficient to acquire the Ruth property. Jeff responded that the City would still need additional grant funding, and that the Pine Tree Park proceeds alone would not be enough. David asked Jeff about the appraisal for the Ruth property. Jeff indicated that the City's appraisal and the seller's appraisal were significantly apart, and therefore a third appraisal was underway and expected to be completed by January, 2015. All parties copied on all emails.	The Ruth property is an ongoing negotiation.
34.	12/15/14	City's broker receives full-price offer for Pine Tree Park from Oakpointe Holdings LLC.	
35.	1/12/15	Included in the January 12, 2015 agenda packet for the Economic & Community Development Committee is the 2015 Work Program for the ECD Department. Under "Item #3, City property acquisition, sale or development," the City included Pine Tree Park as part of the 2015 Work Program.	ECD Committee agenda and video for January 12, 2015, approximately 22:59
36.	4/20/15	City issued a SEPA Addendum for the 2015 update to the comprehensive plan. The SEPA responsible official later determined this Addendum covered the Pine Tree Park map amendment.	
37.	4/30/15	Oakpointe Pre-Application for proposed subdivision at Pine Tree Park submitted KIVA #RPPA-2151366.	

Pine Tree Park Timeline and After-Action Review

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38.	June/2015	<p>Clark Lake Property – Negotiations with Ruth reach an impasse. Parties unable to agree on terms. City Council informed in Executive Session by Jeff Watling.</p> <p>Pine Tree Park proceeds – At same Executive Session, Jeff Watling informs Council that other properties can be identified for the proceeds to be used to purchase. Council interest was expressed in also exploring the idea of proceeds going toward current park property and not just for purchasing new property.</p>	May email with Bill Ruth
39.	7/13/15	<p>Additional Comprehensive Plan Land Use Plan Map amendment – At the Economic & Community Development Committee (“ECDC”) meeting, Staff presented a map amendment that was included in the ECDC agenda packet but had not been part of the proposals reviewed by the Land Use & Planning Board for the 2015 Comprehensive Plan update. One amendment was to change the Land Use Plan Map designation for the Pine Tree Park property from OS (Parks and Open Space) to SF-4.5 (Single Family Residential) to be consistent with the property’s then-existing single family zoning designation.</p> <p>This change was consistent with the type of amendments that had been reviewed by the Land Use & Planning Board, i.e., it made the designations on the Land Use Plan Map consistent with the Zoning District Map. At the ECDC meeting, Staff referenced the added map amendment, noted it related to the sale of the park property and recommended adding the map amendment to the ordinance.</p>	ECD Committee video July 13, 2015, approximately 1:30
40.	7/21/15	The City Council authorizes the ECD Committee to hold any additional public hearings required to consider further amendments related to the comprehensive plan update, including amendments to the land use plan and zoning districts maps, as well as amendments to goals, policies and text.	

Pine Tree Park Timeline and After-Action Review

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41.	July – August 2015	<p>King County – Jeff Watling given tentative approval from Kevin Brown to use proceeds on current park property with the understanding that the city would still need to coordinate final details with King County. KC staff would continue to communicate with KC Leadership and Attorney's Office.</p> <p>Springwood Park identified as the preferred park if proceeds be used within a current park due to its proximity to Pine Tree Park and that it is already identified as a high priority project.</p>	
42.	8/10/15	<p>Economic & Community Development Committee Meeting - The memo to the Economic & Community Development Committee for the August 10th meeting references the Pine Tree Park map amendment that Staff had presented to the Committee at their July 13, 2015, meeting. Included in the Committee's agenda packet were a summary of staff and Board recommendations and a draft ordinance on all of the map amendments including an amendment for the Pine Tree Park property.</p>	
43.	8/24/15	<p>Economic & Community Development Committee Public Hearing – The memo to the Economic & Community Development Committee for the public hearing on the Comprehensive Plan Update noted that staff had presented additional map amendments to the ECD Committee at the July and August meetings. The memo referred to the draft ordinances in the Committee's August 10, 2015 agenda packet. The Committee recommended approval of all of the 4 ordinances pertaining to the Comprehensive Plan Update, including the Pine Tree Park map amendment.</p>	

Pine Tree Park Timeline and After-Action Review

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44.	9/1/15	City Council Meeting - The City Council agenda packet for the Consent Calendar includes the ordinance to amend the Land Use Plan Map designation for Pine Tree Park. Included as a separate ordinance for the same overall comprehensive plan agenda item is the updated 2015 Comprehensive Plan wherein Pine Tree Park is on the map of parks and recreation facilities in the Parks and Recreation Element (as it has been for many years). The 2010 Park & Open Space Plan wherein Pine Tree Park is listed as a Neighborhood Park was incorporated by reference into that same Element.	
45.	9/11/15	King County – Jeff Watling email to Kevin Brown informing him that property sale will be going to City Council September 15. Jeff Watling confirms that coordination and final approval on proceeds will still need to occur.	Email to Kevin Brown
46.	9/15/15	Executive Session – Jeff Watling advises council that King County is open to using proceeds to enhance Springwood Park, but that coordination and final approval with King County still needs to occur before closing on the property sale.	
47.	9/15/15	City Council Meeting - City Council unanimously votes to approve sale of the park after Executive Session.	
48.	9/18/15	Oakpointe waives feasibility contingencies set forth in purchase agreement.	
49.	11/25/15	Preliminary Plat & Critical Area Review submitted KIVA #RPP3-2154258 and #RECR-2154260.	
50.	11/30/15	SEPA checklist submitted for Oakpointe subdivision KIVA #RPSW-2154272.	
51.	12/11/15	Notice of Application (NOA) posted & published. Posted on 1 board (per city code) on 114 th – Comment period Dec. 11 – 28, 2015.	
52.	1/6/16	After receiving request from resident, 2nd Notice Board put up & posted w/NOA on 118 th —Comment period EXTENDED additional weeks Jan. 6 – 20, 2016.	Additional 22 days added to comment period

Pine Tree Park Timeline and After-Action Review

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53.	January/2016	King County – 2 emails from Kevin Brown to Christie True giving background and brief history of discussions and coordination with Kent. King County leadership expresses their disappointment that no additional public outreach occurred on Pine Tree Park.	Emails
54.	2/4/2016	King County – February 4 email sent to Tom Brubaker from the KC Attorney's Office stating that proceeds from Pine Tree Park need to go toward the acquisition of additional park property. This news means that the City will need to utilize the proceeds as it originally intended from 2013-June 2015.	February 4, 2016, email
55.	2/4/2016	Neighborhood Meeting – Jeff Watling communicates this news (initial intent for proceeds to buy more land, late interest in using funds at Springwood, then new communication from KC that funds needed to go toward land acquisition) during the public meeting at Pine Tree Elementary that same evening, February 4. The meeting was attended by 60+ residents, four City Council members, Mayor Cooke and other city staff.	
56.	2/5/16	After receiving another resident request, 3rd Notice Board put up and posted near pathway from school—Comment period EXTENDED seven weeks beyond required notice period, from Feb. 5 – 19, 2016.	Additional 29 days added to comment period above State requirements
57.	3/4/16	SEPA determination (MDNS) - issued/posted/published for sale and subdivision of Pine Tree Park. Comment period Mar. 4 – 18, 2016; Appeal period Mar. 18 – Apr. 1, 2016.	
58.	3/15/16	At Kent City Council workshop, CAO Matheson provides council with three options regarding pending sale of Pine Tree Park: (1) Go through with sale; (2) Abrogate purchase and sale agreement with Oakpointe and pay damages demanded by Oakpointe of \$3.4million; or (3) negotiate a settlement with Oakpointe to reimburse Oakpointe for its sunk costs and sell Oakpointe the East Hill Shops property. Council asks CAO Matheson to pursue Option 3.	

Pine Tree Park Timeline and After-Action Review

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59.	4/5/16	At Kent City Council workshop, City Council votes 4-2 to settle with Oakpointe by paying \$760,000 to reimburse Oakpointe for its sunk costs (as verified by staff), and provide Oakpointe a limited Right of First Offer on the East Hill Shops property limited to a three-year term if, and only if, the City Council first decides to offer the East Hill Shops property for sale.	
60.	4/29/16	<p>Staff identified three "lessons learned" from the above Pine Tree Park timeline:</p> <ul style="list-style-type: none"> • Conduct a public process prior to the surplus and sale of city-owned real property. The city's decision not to seek public engagement prior to the sale of Pine Tree Park is the core "lesson learned" as it placed the city in a very difficult position and clouded the rest of the process. The city had assumed that a public process to sell Pine Tree Park was unnecessary because the city had recently sold other parks and recreation property without public processes and because Pine Tree Park was undeveloped, not centrally located, and difficult to access by vehicle. This assumption turned out to be incorrect. The surplus policy will help prevent future incorrect assumptions. • Remain cognizant that the State Environmental Policy Act (SEPA) may require an environmental review prior to sale of city-owned real property; review all surplus and sale actions for SEPA applicability. <p>It is disputed/unclear whether SEPA was necessary because the park is currently undeveloped and whether the city's SEPA processes for the comprehensive plan map change and for the development of the Pine Tree Park subdivision were adequate to address SEPA requirements. In future unclear situations, the city will err on the side of a SEPA process.</p>	

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60. Continued		<ul style="list-style-type: none"> • Obtain written documentation of commitments made by parties with legal interest in any deed restriction. The city was fully aware of the deed restrictions on Pine Tree Park and worked with King County throughout 2013-2015. The fact that written documentation of the 2013-through-spring-2015 discussions (with King County regarding reinvesting Pine Tree Park proceeds into other real property) existed while written documentation of summer 2015 discussions (also with the county regarding reinvesting proceeds into Springwood Park) was vague gave the appearance the city wasn't aware of the deed restriction and/or ignored the county's 2013 legal advice. In actuality, the summer 2015 discussions regarding reinvestment in Springwood Park were an evolution of the 2013-through-spring-2015 discussions between city staff and county staff and between city staff and the city council. Written documentation from the county regarding reinvestment into Springwood Park would have clarified the degree of commitment from the county and the degree of additional confirmation that was needed on the deed restriction. 	
61.	5/3/16	Kent City Council's Operations Committee begins to discuss a draft land surplus policy – 5/2/16 Operations Committee agenda packet.	

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